

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:)	Case No. 10-35922
)	Chapter 7
CAROLYN HENDERSON PRESCOTT,)	
)	
Debtor.)	
_____)	
)	
BRUCE H. MATSON, TRUSTEE,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No. 11-03103
)	
JAZARCO INTERNATIONAL,)	
A TRUST ORGANIZATION AND LLC,)	
)	
M.A. PALMER,)	
)	
and)	
)	
W.W. PALMER,)	
)	
Defendants.)	

**TRUSTEE'S REQUEST FOR ENTRY OF DEFAULT
AND MOTION FOR DEFAULT JUDGMENT**

Christopher L. Perkins (VSB No. 41783)
LeClairRyan, A Professional Corporation
Riverfront Plaza, East Tower
951 East Byrd Street, Eighth Floor
Richmond, Virginia 23219
(804) 783-7550

and

Paris R. Sorrell (VSB No. 80953)
LeClairRyan, A Professional Corporation
2318 Mill Road, Suite 1100
Alexandria, Virginia 22314
(703) 647-5934

Counsel for Bruce H. Matson, Trustee

Plaintiff, Bruce H. Matson, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Carolyn Henderson Prescott (the “**Debtor**”), by and through undersigned counsel, files the Trustee’s Request for Entry of Default and Motion for Default Judgment (the “**Motion**”) against Jazarco International, A Trust Organization and LLC (“**Jazarco**”) pursuant to Rule 55 of the Federal Rules of Civil Procedure, made applicable to this proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and in support thereof, states as follows:

1. The Trustee commenced the above-captioned adversary proceeding on March 22, 2011, by the filing of a Complaint against Jazarco, M.A. Palmer and W.W. Palmer (collectively, the “**Defendants**”) to recover \$50,000.00 plus interest due and owing to the Debtor pursuant to a promissory note.

2. The Clerk of Court issued a Summons and Notice of Pre-Trial Conference (the “**Summons**”) in this adversary proceeding on March 23, 2011.

3. The Trustee timely served the Complaint and the Summons on the Defendants on March 25, 2011 by first-class mail. The Trustee filed a Certificate of Service with the Court on March 25, 2011.

4. Pursuant to Bankruptcy Rule 7012(a), Jazarco had until April 22, 2011 to file a responsive pleading to the complaint.

5. Upon agreement of the parties, Defendants were given an extension until April 26, 2011 to file their responsive pleading.

6. On or about April 27, 2011 an answer was filed by Melvin Palmer, pro so, purporting to be an answer on behalf of all of the Defendants.

7. Melvin Palmer is not an attorney and is not licensed to practice in Virginia before the United States Bankruptcy Court for the Eastern District of Virginia, and therefore, is unable to represent Jazarco, a corporate entity, in this adversary proceeding.

8. Jazarco has thus not filed any responsive pleading to the complaint and is in default.

9. In support of this Motion, the Trustee has contemporaneously herewith filed an Affidavit, attached hereto as Exhibit A, of the facts necessary for the Court to enter a default judgment against Jazarco.

10. Pursuant to Local Bankruptcy Rule 9013-1(G)(2)(c), a separate written memorandum of law need not accompany this Motion.

WHEREFORE, Bruce H. Matson, Trustee for the bankruptcy estate of Carolyn Henderson Prescott, respectfully requests the Clerk of Court to enter Jazarco's default and moves the Court to enter a default judgment against Jazarco and in favor of the Trustee, substantially in the form attached hereto as Exhibit B: (i) granting judgment against Jazarco in the amount of \$50,000.00, plus all accrued interest on such amount from the date of the Promissory Note until the date of the judgment at the rate provided for in the Promissory Note and (ii) granting such other and further relief as the Court may deem just and appropriate.

BRUCE H. MATSON, TRUSTEE

/s/ Paris R. Sorrell

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Counsel for Bruce H. Matson

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2011, I served a true copy of the foregoing Trustee's Request for Entry of Default and Motion for Default Judgment via first class mail, postage prepaid, upon the following:

Jazarco International, A Trust Organization and LLC
P.O. Box 1954
Taylor, Arizona 85939

Melvin Palmer
P.O. Box 1954
Taylor, Arizona 85939

W.W. Palmer
P.O. Box 1954
Taylor, Arizona 85939

/s/ Paris R. Sorrell
Counsel